

AMENDED IN ASSEMBLY APRIL 11, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2452

Introduced by Assembly Member Quirk

February 19, 2016

An act to add ~~Section 21168.15 to the Public Resources Code, Chapter 5.3 (commencing with Section 8340) to Division 1 of Title 2 of the Government Code, relating to environmental quality; the California Council on Science and Technology.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2452, as amended, Quirk. ~~California Environmental Quality Act: judicial remedies; emissions of greenhouse gases; California Council on Science and Technology; contracting.~~

Existing law generally requires contracts by the state for the acquisition of goods and services be awarded pursuant to various procedures and requirements. Existing law exempts specified projects and types of contracts from those procedures and requirements. The California Council on Science and Technology is a nonpartisan, impartial, not-for-profit corporation, created in 1988 by legislative resolution.

This bill would authorize state entities, as defined, to enter into contracts with the council for the council's assistance in translating scientific studies to inform public policy. The bill would require that a contract between the entity and the council be entered into on a noncompetitive bid basis and would exempt the contract from state contracting procedures and requirements.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the

~~completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA authorizes a court, in an action or proceeding brought challenging the decision of a public agency on the ground of noncompliance with CEQA, to enter an order to suspend any specific project activity if the court finds that the activity will prejudice the consideration and implementation of particular mitigation measures or alternatives to the project.~~

~~This bill would, in an action or proceeding under CEQA, prohibit a court from staying or enjoining transportation infrastructure projects, as defined, based solely on the project's potential contribution to the emissions of greenhouse gases.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.3 (commencing with Section 8340) is
2 added to Division 1 of Title 2 of the Government Code, to read:

3
4 CHAPTER 5.3. CALIFORNIA COUNCIL ON SCIENCE AND
5 TECHNOLOGY CONTRACTING

6
7 8340. (a) A state entity may enter into a contract with the
8 California Council on Science and Technology for the council's
9 assistance in translating scientific studies to inform public policy.
10 A contract under this section shall be entered into on a
11 noncompetitive bid basis and shall be exempt from Chapter 2
12 (commencing with Section 10290) of Part 2 of Division 2 of the
13 Public Contract Code.

14 (b) "State entity" means the Governor, the Legislature, or any
15 state agency or department.

16 SECTION 1. ~~Section 21168.15 is added to the Public Resources~~
17 Code, to read:

1 ~~21168.15. (a) For purposes of this section, “transportation~~
2 ~~infrastructure project” means a project consisting of a new~~
3 ~~construction of transportation infrastructure, or the relocation,~~
4 ~~replacement, or removal of existing transportation infrastructure,~~
5 ~~that is included in a sustainable communities strategy or an~~
6 ~~alternative planning strategy approved by a metropolitan planning~~
7 ~~organization pursuant to Section 65080 of the Government Code~~
8 ~~for which a program environmental impact report has been~~
9 ~~certified.~~

10 ~~(b) In an action or proceeding brought pursuant to this division,~~
11 ~~a court shall not stay or enjoin the construction or operation of a~~
12 ~~transportation infrastructure project based solely on the project’s~~
13 ~~potential contribution to the emissions of greenhouse gases.~~